

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1493

House Bill No. 450*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section, "exploitation" means circumstances in which a person:

(1) holds a position of trust and confidence, or has an ongoing business relationship, which is characterized by a regular course of dealing, with an elderly or disabled adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, such adult's funds, credit, assets or other resources with the intent to temporarily or permanently deprive such adult of the use, benefit or possession of such funds, credit, assets or resources for the benefit of someone other than such adult; or

(2) is a caretaker or relative of the elderly or disabled adult, and knows or reasonably should know that such elderly or disabled adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, such adult's funds, credit, assets or other resources with the intent to temporarily or permanently deprive such adult of the use, benefit or possession of such funds, credit, assets or resources for the benefit of someone other than such adult; or

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(3) is a caretaker or relative of the elderly or disabled adult persons and improperly uses or manages the funds, credit, assets or other resources of an elderly or disabled adult for the profit or advantage of someone other than such adult.

(b) In at least one county having a population of one hundred thousand (100,000) or more according to the 1990 federal census of population or any subsequent such census, the department of human services shall establish a pilot program on prevention and prosecution of exploitation and associated criminal offenses. The pilot program shall include a community-based, interagency task force on exploitation and associated criminal offenses. Task force participation shall be voluntary; provided, however, in order to establish a pilot program within any such county, task force membership must minimally include, (but shall not necessarily be limited to), one full-time law enforcement officer supplied by and from the ranks of the police department of the principal municipality located within such county; one full-time law enforcement officer supplied by and from the ranks of the county sheriff's department; one full-time social worker/counselor supplied by and from the staff of the local office of the department of human services; and one assistant district attorney general supplied by and from the staff of the district attorney general whose district includes such county. The task force shall have the following duties:

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(1) to undertake appropriate actions to increase public awareness of exploitation's insidious nature and its deleterious effects on vulnerable elderly and disabled adults;

(2) to seek any federal funding and other resources which may be available to support and/or enhance efforts to prevent and prosecute exploitation and associated criminal offenses;

(3) to encourage and facilitate meritorious reports of suspected exploitation;

(4) to ensure that exploitation reports are fully and thoroughly investigated;

(5) to ensure that criminal offenses associated with exploitation are vigorously and successfully pursued and prosecuted; and

(6) to quantify the need for and benefits of such enhanced efforts to protect elderly and disabled adults from exploitation.

(c) The department of human services, in carrying out the provisions of this section, shall have the authority to issue, in the name of the commissioner, an administrative subpoena for any financial or other records in the possession of any persons or entitles relating to any investigation pursuant to this section. Such subpoena shall be enforceable by any court having jurisdiction pursuant to this part in the county in which the records are sought. Any records obtained by the department pursuant to this subsection shall have the same protections as provided by the confidentiality provisions

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of § 71-6-118 and shall be used only for purposes of providing protection of elderly adults and disabled adults.

(d) An evaluation report of the status of the pilot project and any recommendations for extension or expansion of the project, or for any recommended statutory changes shall be submitted to the chairs of the Senate Committee on General Welfare, Health and Human Resources and the House Committee on Children and Family Affairs by January 15, 2002. The pilot project established pursuant to this section shall terminate on June 30, 2002, unless otherwise extended by the general assembly.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

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